

EXHIBIT 3

E. Explanation of Rights and Options

In response to reports of relationship violence or sexual misconduct, the Office of Institutional Equity provide a written explanation to the claimant and respondent summarizing their respective rights and options. This written explanation will include information about reporting procedures, investigation procedures, law enforcement, legal options, confidentiality protections, campus resources, interim measures, and campus disciplinary procedures.

F. Employee Reporting Obligations, Confidentiality, and Safety Concerns

The University strongly encourages individuals affected by relationship violence, stalking, and sexual misconduct to talk to someone about what happened and obtain support services. The University also needs to respond appropriately to reports of relationship violence or sexual misconduct in order to provide a safe and effective learning environment.

Most University employees are obligated to bring reports of relationship violence, stalking, and sexual misconduct to the attention of the Office of Institutional Equity and the MSU Police Department, but some can maintain confidentiality of such reports if the victim so requests.¹² See Sections E.1-3 below. Students and employees should be aware of the reporting options available to them so that they can make informed choices about the consequences of disclosing details of an incident of relationship violence, stalking, or sexual misconduct.¹³

Individuals who choose to discuss an incident of relationship violence, stalking, or sexual misconduct only in a privileged/confidential or private setting should understand that the University will not be able to conduct an investigation into the particular incident, or pursue disciplinary action against the alleged perpetrator, unless the incident is reported to the Office of Institutional Equity directly by the victim, law enforcement, someone who is obligated to make a report, or by a confidential party who has been given written permission by the victim to make a report. Counselors and advocates who are able to maintain confidentiality of reports will still assist their clients in receiving support services, regardless of whether a report is made. At the individual's option, this will include coordinating with the Office of Institutional Equity to provide any necessary interim measures.

¹² Students who are not also employees do not have reporting obligations under this Policy. Nevertheless, students who have witnessed relationship violence, stalking, or sexual misconduct are encouraged to promptly report such information to the Office of Institutional Equity and the MSU Police Department.

¹³ The disclosure options described in this Policy involve disclosures made by adults and conduct involving adults. Disclosures involving minors are governed by the reporting obligations outlined in the *Reporting Protocols: Child Abuse, Sexual Assault, and Child Pornography*. To view the protocols visit: https://www.hr.msu.edu/policies-procedures/university-wide/reporting_protocols.html. Disclosures involving imminent harm to self or others may also override confidentiality and require reporting to appropriate authorities.

A claimant who requests confidentiality may later decide to file a complaint with the Office of Institutional Equity or the MSU Police Department and have the incident fully investigated. When they arise, safety risks associated with OIE or MSU Police Department contacting or interviewing the respondent will be taken into consideration especially in cases where the victim is fearful and does not want the perpetrator contacted, or when the threats and abuse may escalate and put the victim in increased danger due to the investigation process.

1. Confidential Communications

Professional, licensed counselors who provide mental-health counseling to members of the community are legally not permitted (with few exceptions, as discussed in Sec. XII(B)) to report any information to the Office of Institutional Equity or Michigan State University Police Department without their client's permission. Licensed counselors are available in the following offices:

- MSU Counseling and Psychiatric Services (CAPS)
- MSU Couple and Family Therapy Clinic
- MSU Employee Assistance Program
- MSU Psychological Clinic
- MSU Safe Place
- MSU Sexual Assault Program

Disclosure to one of the offices listed above does not constitute a report or notice to the University.

2. Private Communications

Individuals who work or volunteer in the following campus offices, including peer educators, can talk to a student or employee about an incident of relationship violence, stalking, or sexual misconduct without triggering the need to report personally identifiable information about the incident to the Office of Institutional Equity.

- MSU Counseling and Psychiatric Services (CAPS)
- MSU Employee Assistance Program
- MSU Safe Place
- MSU Sexual Assault & Relationship Violence (SARV) Prevention Program
- MSU Sexual Assault Crisis Intervention (SACI) Team
- MSU Sexual Assault Program & 24-hour Sexual Assault Crisis Line
- Olin Health Center
- University Ombudsperson

Disclosure to one of the offices listed above does not constitute a report or notice to the University. The privacy protections provided to these offices are based in policy and not law. Therefore, individuals should recognize that, while the University considers conversations with these offices to be private, disclosure of some information may be required pursuant to a search warrant, subpoena, or statute, and may not be legally confidential.

3. Non-personally Identifiable Information

The offices identified as confidential and private resources will periodically report non-personally identifiable information about relationship violence, stalking, and sexual misconduct reports that the offices have received to the Title IX Coordinator to keep the Title IX Coordinator informed of the general extent and nature of relationship violence, stalking, and sexual misconduct on and off campus. This will help the Title IX Coordinator track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Individuals in these offices will not share personally identifiable information with the Title IX Coordinator without the student or employee's consent.

4. Reports to Mandatory Reporters

All University employees, other than those appointed in the offices listed above and certain medical professionals providing patient care¹⁴, are expected to promptly report relationship violence, stalking, and sexual misconduct that they observe or learn about ¹⁵and that involves a member of the University community (faculty, staff, or student) or which occurred at a University-sponsored event or on University property. The employee must report all relevant details they have about the alleged relationship violence, stalking, or sexual misconduct, including the name of the victim, the name of the accused, names of any witnesses, and any other relevant facts, including the date, time, and specific location of the incident.

In cases where an employee is a witness to an unfolding or ongoing incident of relationship violence, sexual violence, sexual exploitation, or stalking, the employee must call the MSU Police Department immediately and is encouraged to intervene to the extent it is safe to do so. Employees must still report promptly to OIE. In cases where an employee is witness to an unfolding or ongoing incident of sexual harassment, the employee should intervene or notify a supervisor who can intervene to stop the behavior.

¹⁴ Medical professionals in Olin Health Center and other patient care locations should refer to the Frequently Asked Questions appendix for more information about the application of mandatory reporting obligations in the patient care context.

¹⁵ This includes reports that employees learn about in their professional capacity directly, through third parties, or through other disclosures.

STATUS OF PERSON VICTIMIZED	STATUS OF MANDATORY REPORTER	WHERE TO FILE REPORT
REPORTING: SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE (INCLUDING: SEXUAL VIOLENCE, SEXUAL EXPLOITATION, AND STALKING)		
<ul style="list-style-type: none"> • Student¹⁶ • Employee • Third Party • 	Undergraduate Student	Undergraduate Student's Supervisor. Supervisor will report to Office of Institutional Equity AND MSU Police.
	Employees	
	All Other Employees	Office of Institutional Equity (OIE) AND MSU Police
REPORTING: SEXUAL HARASSMENT		
<ul style="list-style-type: none"> • Student • Employee • Third Party 	Undergraduate Student	Undergraduate Student's Supervisor. Supervisor will report to Office of Institutional Equity.
	Employees	
	All Employees	All employees must report to OIE.

NOTE: Undergraduate student employees should make reports to their supervisor, who will contact OIE and the MSU Police Department. REHS live-in staff must follow the REHS mandatory reporting protocols.

Employees are only required to report relationship violence, stalking, or sexual misconduct of which they become aware in their capacity as a University employee, not in their personal capacity.

Once a report is made to OIE, the University will take immediate steps to initiate the investigatory process to determine what happened and to resolve the matter promptly and equitably. Questions about whether a disclosure must be reported can be referred to the Office of the General Counsel, OIE, the MSU Police Department, or the University Ombudsperson.

5. Failure to Report

Employees who fail to adhere to their reporting obligations under this Policy are subject to disciplinary action, up to and including termination. Discipline for violations of this Policy, including failure to report, will be handled in accordance with applicable employee disciplinary policies and procedures.

6. Requests for Confidentiality or Anonymity

¹⁶ Reports involving student employees are considered student reports.

Victims of relationship violence, stalking, or sexual misconduct may request confidentiality or anonymity, including that their name not be shared with the respondent, that the respondent not be notified of the report, or that no investigation occur. If the victim wants to tell the mandatory reporter what happened, but also wants to maintain confidentiality or anonymity, the employee should tell the victim that the University will consider the request but cannot guarantee confidentiality or anonymity. The employee should advise the victim that the details of the incident will be disclosed only to those officials with a legitimate institutional interest in knowing the information. In reporting the details of the incident to OIE, the employee will inform OIE of the victim's request for confidentiality or anonymity, but must still provide that person's name and/or identity, if known.

The Deputy Title IX Coordinator for Investigations will weigh the victim's request for confidentiality or anonymity against the University's obligation to provide a safe, non-discriminatory environment for all students and employees, including the victim. The Deputy Title IX Coordinator for Investigations will consider a range of factors in weighing the request, including:

- The increased risk that the alleged perpetrator will commit additional acts of relationship violence, stalking, or sexual misconduct, such as:
 - Whether there have been other relationship violence, stalking, or sexual misconduct complaints about the same alleged perpetrator;
 - Whether the alleged perpetrator has a history of arrests or records indicating a history of violence;
 - Whether the alleged perpetrator threatened further relationship violence, stalking, or sexual misconduct against the victim or others;
 - Whether the relationship violence, stalking, or sexual misconduct was committed by multiple perpetrators; and/or
 - Whether there have been threats to kill or harm the victim.
- Whether the relationship violence, stalking, or sexual misconduct was perpetrated with a weapon
- Whether the victim is a minor
- Whether the University possesses other means to obtain relevant evidence of the relationship violence, stalking, or sexual misconduct (e.g., security cameras or personnel, physical evidence)

- Whether the victim's report reveals a pattern of relationship violence, stalking, or sexual misconduct

If the University honors the request for confidentiality, the Deputy Title IX Coordinator for Investigations will explain to the victim that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator may be limited. The Deputy Title IX Coordinator for Investigations will also explain that the University prohibits retaliation against an individual for filing a complaint and that the University will take steps to prevent retaliation and take strong responsive action if any retaliation occurs. If the claimant continues to ask that their name not be revealed, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not prevent the University from responding effectively to the harassment and preventing harassment of others.

Regardless of whether the request for confidentiality is honored, the University will take steps to limit the effects of the alleged relationship violence, stalking, or sexual misconduct and prevent its recurrence when possible. Such steps might include providing increased security or supervision at locations or activities where a pattern of relationship violence, stalking, or sexual misconduct exists; providing education and training materials for students, student groups, or employees; reviewing applicable relationship violence, stalking, and sexual misconduct or disciplinary policies; and conducting climate surveys regarding relationship violence, stalking, and sexual misconduct.

At times, in order to provide a safe, non-discriminatory environment for members of the campus community, the University may not be able to honor a victim's request for confidentiality. In such circumstances, the Deputy Title IX Coordinator for Investigations will inform the victim prior to starting an investigation and will share information only with people involved in the University's investigation.¹⁷ The victim is not required to participate in the investigation. Should the victim choose not to participate in an investigation, the Deputy Title IX Coordinator for Investigations will explain that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator may be limited.

G. Reports from Witnesses & Bystander Intervention

Students or third parties who witness acts of relationship violence, stalking, or sexual misconduct perpetrated by a member of the University community (faculty, staff, or student) or occurring at a University-sponsored event or on University property are strongly encouraged to report the misconduct to OIE and the MSU Police Department.

¹⁷ The victim may decide whether other individuals, such as parents, instructors, or colleagues, will be informed of the investigation unless special circumstances (such as the sexual assault of a minor) exist.